

**Effective 5/12/2015**

## **Part 1 Funding**

### **73-10g-101 Title.**

- (1) This chapter is known as "Water Infrastructure."
- (2) This part is known as "Funding."

Enacted by Chapter 458, 2015 General Session

### **73-10g-102 Definitions.**

As used in this chapter:

- (1) "Board" means the Board of Water Resources;
- (2) "Division" means the Division of Water Resources; and
- (3) "Restricted account" means the Water Infrastructure Restricted Account created in Section 73-10g-103.

Enacted by Chapter 458, 2015 General Session

### **73-10g-103 Creation of the Water Infrastructure Restricted Account.**

- (1)
  - (a) There is created a restricted account in the General Fund known as the "Water Infrastructure Restricted Account."
  - (b) The restricted account shall earn interest.
- (2) The restricted account consists of money generated from the following sources:
  - (a) voluntary contributions made to the division for the construction, operation, or maintenance of state water projects;
  - (b) appropriations made to the fund by the Legislature; and
  - (c) interest earned on the restricted account.
- (3) Subject to appropriation, the division and the board shall manage the restricted account created in Subsection (1) in accordance with this chapter.

Enacted by Chapter 458, 2015 General Session

### **73-10g-104 Authorized use of the Water Infrastructure Restricted Account.**

Money in the restricted account is to be used for:

- (1) the development of the state's undeveloped share of the Bear and Colorado rivers, pursuant to existing interstate compacts governing both rivers as described in Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act;
- (2) repair, replacement, or improvement of federal water projects for local sponsors in the state of Utah when federal funds are not available; and
- (3) study and development of rules, criteria, targets, processes, and plans, as described in Subsection 73-10g-105(3).

Amended by Chapter 309, 2016 General Session

### **73-10g-105 Loans -- Rulemaking.**

- (1)
  - (a) The division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to repair, replace, or improve underfunded federal water infrastructure projects.
  - (b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act, the division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to develop the state's undeveloped share of the Bear and Colorado rivers.
- (2) The rules described in Subsection (1) shall:
  - (a) specify the amount of money that may be loaned;
  - (b) specify the criteria the division and the board shall consider in prioritizing and awarding loans;
  - (c) specify the minimum qualifications for an individual who, or entity that, receives a loan, including the amount of cost-sharing to be the responsibility of the individual or entity applying for a loan;
  - (d) specify the terms of the loan, including the terms of repayment; and
  - (e) require all applicants for a loan to apply on forms provided by the division and in a manner required by the division.
- (3) The division and the board shall, in making the rules described in Subsection (1) and in consultation with the State Water Development Commission created in Section 73-27-102:
  - (a) establish criteria for better water data and data reporting;
  - (b) establish new conservation targets based on the data described in Subsection (3)(a);
  - (c) institute a process for the independent verification of the data described in Subsection (3)(a);
  - (d) establish a plan for an independent review of:
    - (i) the proposed construction plan for an applicant's qualifying water infrastructure project; and
    - (ii) the applicant's plan to repay the loan for the construction of the proposed water infrastructure project;
  - (e) invite and recommend public involvement; and
  - (f) set appropriate financing and repayment terms.
- (4)
  - (a) The division, board, and State Water Development Commission shall, no later than October 30, 2016, report to the Natural Resources, Agriculture, and Environment Interim Committee and Legislative Management Committee on the rules established pursuant to Subsections (1) and (3).
  - (b) After October 30, 2016, the division and the board shall provide regular updates to the Legislative Management Committee on the progress made under this section, including whether the division and board intend to issue a request for proposals.

Amended by Chapter 309, 2016 General Session

**73-10g-106 Requirement for repayment.**

- (1) Any money utilized to construct water infrastructure to develop the state's share of the Bear and Colorado Rivers are subject to the repayment provisions of Title 73, Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act.
- (2) Any money utilized for the repair, replacement, or improvement of federal water infrastructure projects when federal funds are not available shall be repaid pursuant to the terms and conditions established by the division and the board by rule under Section 73-10g-105.

Enacted by Chapter 458, 2015 General Session

